

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CRITICAL RESOLUTION MEDIATION
LLC, a Georgia limited liability company,

PARLIAMENT SERVICES LLC, a
Georgia limited liability company,

and

BRIAN CHARLES MCKENZIE,
individually and as an officer of
CRITICAL RESOLUTION MEDIATION
LLC,

Defendants.

Case No.

**PLAINTIFF FTC'S RECOMMENDATION FOR
A TEMPORARY RECEIVER**

Plaintiff Federal Trade Commission, in support of its *ex parte* Motion for Temporary Restraining Order to Obtain Conduct Relief, an Asset Freeze, the Appointment of a Temporary Receiver, Immediate Access, Limited Expedited Discovery, and other ancillary equitable relief, respectfully submits to the Court the

following proposed temporary receivers for this case. Both proposed temporary receivers possess both the necessary experience and qualifications to hold the position and a willingness to serve as temporary receiver or receiver's counsel.

Michael Fuqua

The first potential receiver is Michael Fuqua of B. Riley Advisory Services, which recently acquired his employer, GlassRatner Advisory and Capital Group LLC. Mr. Fuqua is a senior managing director in GlassRatner's Atlanta office and has over 30 years of experience in corporate finance, capital markets, strategic and financing planning, corporate renewal, bankruptcy services, forensic accounting, and fiduciary services. He has extensive experience serving as a receiver in government law enforcement actions. Recently, Mr. Fuqua has served as the receiver in *FTC v. Global Processing Solutions, et al.*, United States District Court for the Northern District of Georgia, Case No. 1: 17-CV-4192, *FTC v. Williams, Scott & Associates LLC et al.*, Case No. 1: 14-cv-1599-HLM (N.D. Ga.), and *SEC v. Vhunrize, Inc.*, Case No. 1: 14-cv-03030-RWS (N.D. Ga.). If selected, Mr. Fuqua would engage Jennifer Odom of Bryan Cave Leighton Paisner, LLP as receiver's counsel. Additional information about Mr. Fuqua's qualifications is provided in the attached resume, identified as **Attachment A**. Mr. Fuqua's hourly rate is \$350.00 (approximately 80% of his standard rate of \$435.00). Subject to appointment and

approval, Mr. Fuqua would engage GlassRatner as his accountants at a fixed hourly rate of \$250.00, plus out of pocket expenses (discounted from \$250.00-\$325.00). Bryan Cave LLP's blended hourly rate is \$375.00.

S. Gregory Hays

The second potential receiver is S. Gregory Hays of Hays Financial Consulting, LLC. Mr. Hays is the managing principal of Hays Financial Consulting in Atlanta and has over 40 years of financial experience, including 30 years managing insolvency cases and investigating fraudulent activity. He has been routinely appointed by federal and state courts as a receiver, and by the United States Trustee as a bankruptcy trustee. Most recently, Mr. Hays served as a receiver in *FTC v. Laptop and Desktop Repair LLC*, Case No. 1: 16-CV-3591 (N.D. Ga.), *PNC Bank v. David R. Parker*, Case No. 1: 13-CV-523 (N.D. Ga.), and *SEC v. Benjamin Daniel DeHaan and Lighthouse Financial Partners, LLC*, Case No. 1: 12-CV-1996 (N.D. Ga.). If appointed, Mr. Hays would engage the Law Office of Henry F. Sewell, LLP as receiver's counsel. Additional information about Mr. Hays' qualifications is provided in the attached resume, identified as **Attachment B**. Mr. Hays' hourly rate is \$375.00 (discounted from his standard hourly rate of \$400.00). Subject to selection, Mr. Hays will engage Hays Financial Consulting, LLC as his accountants at a fixed hourly rate of \$275.00. The Law Office of Henry F. Sewell, LLP's blended

hourly rate is \$300.00.

Respectfully submitted,

Alden F. Abbott
General Counsel

Dated: September 22, 2020

s/ Hans Clausen
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FEDERAL TRADE COMMISSION

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that this document has been prepared with one of the font and point selections approved by the Court in LR 5.1(B) or, if type written, that the brief does not contain more than 10 characters per inch of type. Specially, this document has been prepared in Times New Roman in 14 point type.

/s/ Hans Clausen

HANS CLAUSEN

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